

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LETIZIA MARTINEZ DE GONZALEZ, as administratrix and executrix of the Estate of Emilio Martinez Manautou, as Trustee of the Emilio Martinez Manautou Trust, and as Trustee of the EMM Trust, : ECF CASE

Plaintiff-Counterclaim Defendant, : Case No. 07-CV-7462 (RJS)

-against- :
PLAINTIFF'S MANDATORY INITIAL DISCLOSURE PURSUANT TO RULE 26(a)(1)

UBS AG and UBS TRUSTEES LTD., :
Defendants-Counterclaim Plaintiff :
and :
UBS AG, :
Third-Party Plaintiff, :
-against- :
ROBERT J. REGER, JR. and THELEN, REID, BROWN, RAYSMAN & STEINER, LLP, :
Third-Party Defendants. :
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In accordance with Rule 26(a)(1) of the Federal Rules of Civil Procedure, plaintiff Letizia Martinez de Gonzalez, as administratrix and executrix of the Estate of Emilio Martinez Manautou, as Trustee of the Emilio Martinez Manautou Trust, and as Trustee of the EMM Trust ("Ms. Gonzalez" or "Plaintiff"), by and through her counsel, Anderson & Ochs, LLP, makes the following mandatory disclosures:

RIGHT TO AMEND OR SUPPLEMENT

Ms. Gonzalez reserves the right to supplement, amend or in any other way change the disclosures made herein, consistent with any information obtained or otherwise discovered. No disclosure herein shall constitute a waiver of any privilege, objection or defense with respect to any document or witness identified herein.

DEFINITIONS

The following definitions are hereby incorporated herein:

1. "UBS" means UBS AG and/or UBS Trustees (Singapore), Ltd., defendants in this action.
2. The "Complaint" means the complaint in this action, brought by Ms. Gonzalez, filed on or about August 22, 2007.
3. The "Answer" means the Answer, Counterclaim and Third-Party Claims, dated October 25, 2007, interposed by UBS, in this action.
4. "Plaintiff's Reply" means the Reply to Counterclaim, dated November 7, 2007, interposed by Ms. Gonzalez, in this action.

I. DISCLOSURES REQUIRED BY RULE 26(a)(1)(A)

Based on Plaintiff's initial investigation of the matters referenced in the Complaint, in the Answer, and/or in Plaintiff's Reply, Ms. Gonzalez provides the following names and addresses, if known, of individuals who may have information relating to Plaintiff's claims and defenses:

1. Douglas F. Allen, Jr., Esq., c/o Thelen Reid Brown
Raysman & Steiner LLP, 900 Third Avenue, New York,
NY 10022.

2. Thomas Baranzelli, c/o UBS AG, 101 Park Avenue, New York, New York 10178.
3. Felicia Gomez, c/o UBS AG, 101 Park Avenue, New York, New York 10178.
4. Michael Lamontagne, c/o Merrill Lynch & Co., 4 World Financial Center, 250 Vesey Street, New York, New York 10080.
5. Alejandro Oberli, c/o UBS AG, 101 Park Avenue, New York, New York 10178.
6. Eduardo Ramirez, c/o UBS AG, 101 Park Avenue, New York, New York 10178.
7. Robert J. Reger, Jr., Esq., c/o Thelen Reid Brown Raysman & Steiner LLP, 875 Third Avenue, 10th Floor, New York, NY 10022.
8. Josefa Sicard-Mirabel, 808 Brickell Key Drive, #2803, Miami, Florida 33131.
9. Alicia Trevino Montemayor a/k/a Alicia Trevino Hobbs (“Ms Trevino”), c/o Rodriguez & Nicolas, L.L.P., 200 E. Harrison Street, Brownsville, Texas 78520.
10. Marisaa Weinberger, c/o UBS AG, 101 Park Avenue, New York, New York 10178.

II. DISCLOSURE REQUIRED BY RULE 26(a)(1)(B)

Based on Plaintiff's initial investigation of the matters referenced in the Complaint, in the Answer, and/or in Plaintiff's Reply, Ms. Gonzalez identifies the following documents or categories of documents currently in the possession, custody and/or control of Ms. Gonzalez and/or her attorneys, which Plaintiff may use in support of her claims and defenses:

1. Electronic copies of documents, Bates stamped UBSMARTINEZ00001 to UBSMARTINEZ04664, previously produced to counsel for Ms. Gonzalez by UBS.
2. UBS bank account and other records, Bates stamped UBS-EMM 00001 to UBS-EMM 02664, previously produced to counsel for Ms. Gonzalez by UBS.
3. Correspondence between representatives and attorneys of UBS, on the one hand, and attorneys for Ms. Gonzalez, on the other.
4. Correspondence between attorneys or representatives of Thelen Reid Brown Raysman & Steiner, LLP, on the one hand, and attorneys for Ms. Gonzalez, on the other.
5. Correspondence between attorneys for Ms. Trevino, on the one hand, and attorneys for Ms. Gonzalez, on the other.
6. Correspondence between the beneficiaries of the Emilio Martinez Manautou Trust, and their attorneys, on the one hand, and attorneys for Ms. Gonzalez, on the other.

7. Bank account statements and other related records and documentation from Wells Fargo and J.P. Morgan Chase & Co., Inc.
8. Trust instruments and documentation relating to the Emilio Martinez Manautou Trust and the EMM Trust.
9. Documentation relating to the legal proceeding, brought in Probate Court No. 2 in Bexar County, Texas, styled Estate of Martinez Manautou, No. 2005-PC-2506 and No. 2005-PC-2506-A.

In addition, Ms. Gonzalez identifies the following locations for additional documents possibly relating to Plaintiff's claims and defenses:

1. Akin & Almanza, 2301 S. Capital of Texas Highway, Building H, Austin, Texas 78746.
2. Cantor & Webb P.A., 1001 Brickell Bay Drive, Miami Florida 33131.
3. Cox Smith Matthews Incorporated, 112 E. Pecan Street, Suite 1800, San Antonio, TX 78205-1521.
4. Merrill Lynch & Co., 4 World Financial Center, 250 Vesey Street, New York, New York 10080.
5. Rodriguez & Nicolas, L.L.P., 200 E. Harrison Street, Brownsville, Texas 78520.
6. Thelen Reid Brown Raysman & Steiner, LLP, 875 Third Avenue, New York, NY 10022.

7. UBS AG, 101 Park Avenue, New York, New York 10178.
8. UBS Trustees (Singapore), Ltd., 5 Temasek Boulevard, #18-00 Suntec Tower Five, Singapore 038985.
9. WithumSmith+Brown, One Spring Street, New Brunswick, NJ 08901.

III. DISCLOSURE REQUIRED BY RULE 26 (a)(1)(C)

Ms. Gonzalez identifies the following computation of damages in connection with Plaintiff's claims:

1. approximately \$1.6 million, representing losses sustained by Plaintiff for exposure to U.S. estate taxes unnecessarily incurred by Dr. Martinez's estate as a result of unsuitable investments and investment strategies chosen by defendants, including investments in low-yield, tax-free treasuries, wholly unsuitable for non-U.S. residents, and defendants' failure and neglect to implement their chosen tax savings strategy prior to his death;
2. approximately \$3,500,000, representing litigation costs, including attorney fees, unnecessarily incurred in defending claims brought by Ms. Trevino against Ms. Gonzalez and Dr. Martinez's estate, as a result of defendants' mishandling/gross negligence in carrying out Dr. Martinez's instructions with respect to the administration of his assets;

3. an amount to be determined, representing a reasonable assumed rate of return on millions of dollars of estate trust monies UBS had been holding in a non-interest bearing account.

Ms. Gonzalez further identifies the following relief in connection with her complaint:

the immediate return of the approximately \$5 million of estate/trust monies currently being held by UBS and belonging to Dr. Martinez's estate.

IV. DISCLOSURE REQUIRED BY RULE 26 (a)(1)(D)

There is no applicable insurance agreement.

Dated: New York, New York
January 15, 2008

ANDERSON & OCHS, LLP
By: 
Mitchel H. Ochs (MO-7796)
Chase C. Vergari (CV-0601)
61 Broadway, Suite 2900
New York, New York 10006
(212) 344-3600

Attorneys for Plaintiff-Counterclaim Defendant

To: Robert S. Goodman, Esq.
Handler & Goodman, LLP
805 Third Avenue, 8th Floor
New York, New York 10022

*Attorneys for Defendant-Counterclaim
Plaintiff UBS AG*

David Elsberg, Esq.
Quinn Emanuel
51 Madison Avenue, 22nd Floor
New York, New York 10010

*Attorneys for Third-Party Defendants
Robert J. Reger, Jr. and Thelen,
Reid, Brown, Raysman & Steiner,
LLP*